



PRESS RELEASE

**FOR IMMEDIATE RELEASE
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Tohono O'Odham Woman Indicted and Arrested for Second Degree Murder of her newborn infant.

TUCSON, ARIZONA -- The United States Attorney's Office for the District of Arizona announced that on June 12, 2002, a federal grand jury in Tucson, Arizona, returned a one count indictment against Ermalinda Capone, 12/12/73, of Tucson, Arizona.

The indictment alleges that on or about June 28, 2001, within the confines of the Tohono O'Odham Indian Reservation, (San Xavier District), Ermalinda Capone, with malice aforethought did unlawfully kill and murder Baby Girl Capone (Jasmine Capone). Ermalinda Capone was arrested on June 18, 2002.

The federal indictment charges Ermalinda Capone with violating Title 18 of the United States Code, Section 1153 and 1111.

A conviction for Second Degree Murder carries a maximum penalty of life imprisonment, a \$250,000.00 fine or both.

An indictment is simply the method by which a person is charged with criminal activity and raises no inference of guilt. An individual is presumed innocent until competent evidence is presented to a jury that establishes guilt beyond a reasonable doubt.

(MORE)

The investigation preceding the indictment was conducted by the Federal Bureau of Investigation and the Tohono O'Odham Police Department.

The prosecution is being handled by Lynnette C. Kimmins, Assistant United States Attorney, District of Arizona, Tucson, Arizona.

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